644 the king following such a denunciation, the sentence was swiftly
683 pronounced. "Nakukijije (You are pardoned)," said the king, if the accused had been so fortunate as to find powerful protectors or to refute peremptorily the accusations of his enemies. "Mumujane ku kivumu (Lead him to the ficus tree)," cried the king to the executioners when the man was condemned.

696 "Come on, we shall pardon you (guino twakukijije)," added the executioners derisively while leading away their prey. The unfortunate creature vainly implored the pity of the king and of the spectators, who just looked away. He was quickly led to a hollow
[152] near the ill-omened ficus tree (ikivumu), where he was to suffer the prescribed punishment under the eyes of the crowd, who loved to attend those dreadful spectacles (1). The moans, complaints, cries,
[541]

1. Capital punishment drew large crowds filled with morbid curiosity and avid for cruel emotions.

and howls of the tormented victims did not stop the executioners from pursuing their deadly task to the end. The sufferings of the condemned persons in no way affected their sensibilities. "Has it been a long time since So-and-So was executed?" they were sometimes asked. "The hyenas have eaten him and even digested him (zamuliye, zamuneye)," they would answer coarsely without changing their tone.

Executioners were seen to prolong the victim's torment for their own gratification, or to lead them to run away by releasing them from their bonds so as to have the pleasure of finishing them on the run. We shall not elaborate on the disgraceful mutilations which those unfortunate individuals were first made to suffer.

•686 Many a "rain maker" was killed because he could produce no rain. At times of great drought, those who had the misfortune /379/ of being caught were brought to court. They remained bound for days under the burning rays of the sun, while the populace hurled insults at them.

686 "Why don't you make the sky weep if you wish to find a remedy for your suffering!" people would shout at them as a joke (1).

1. Izuba libaririre!

"If it does not rain at such-and-such a time, if you do not make our fields green again, you will die".... And execution followed close upon the threat.

635 692 Like the king, the great Batutsi chiefs sat in judgment and passed sentence in their provinces when they resided there or whenever they were passing through. They were not all alike. Among them there were just and humane men, and one likes to believe that they were in the majority. Some nevertheless left a bad reputation 681 on account of their cruelty. It is said that two of them took pleasure in having the arms of their victims bound behind their backs with wire drawn so tightly that the elbows met and the wire sank into the flesh.... Many persons died of this unique and atrocious torment. Another dignitary had those upon whom he wanted to wreak his revenge immobilized and made to lie on their backs.

Then he would make his victim drink a pitcher of beer or water through a gourd shaped like a funnel. A third man, leaning heavily on his spear, would pierce his victim's foot and thus nail him to the ground. A high dignitary punished those who had displeased him by seizing two of their fingers and pulling them apart with all his might, thus tearing the tissues that connected them. Fortunately, however, those were exceptions which should be ascribed to paganism, the primitiveness of customs, the cruelty of the times, the criminal procedures then in effect, the passions aroused by clan struggles, the competition for power, the revolutions, and sometimes also the proud and savage conceit of chiefs who were too young to govern. /380/

643 661 In order to gain an accurate understanding of the more that prevailed at the time, the reader must be reminded that the life of a man counted for very little in the eyes of the king and of the great chiefs. Subjects of Lwabugiri who are still alive today (he died in 1895) report that in order to show his skill or to judge the strength of his bow, the sovereign would shoot at the first person who appeared

773 This is how the young prince became willy-nilly the father of the
821 present Bashara, or rain-maker, lineage, which has inherited his
614 vocation.

If they wish to bring rain, these people go outside, look at
789 the sky, and spread out their arms. If they wish to favor only the
821 hill they inhabit, they must sit. If they wish to benefit the entire land with their astonishing power, they must stretch out at full length and spread out their arms at the same time. The storytellers add that this is how the descendants of Rushara have acted ever since that time.

Up to these last few years, rain makers were exposed to
[686] serious dangers. It was not unusual to hear that one or another of those unfortunate creatures had been killed or thrown into the river for failing to produce the needed rain on time.

According to another interpretation of the same legend which
[773] is very popular in the central province of Nduga, Rushara disobeyed the orders of the sorcerer at the proddings of the demon of curiosity after he had crossed the Nyabarongo. The water ran out of the pot and spread onto the ground. Nyamukama was informed and replied that in order /431/ to get rain, all that was needed was to build upon the spot where the water from the vessel had been spilled, and to dig into the hill (mubuz' imvura, mwubake, muhafukure). Many of the kings of Ruanda have indeed elected this hill as one of their favorite capitals.

In times of drought it is customary to scratch its soil lightly as though searching for a spring, and it is said that Nyamukama's prophecies always come true. This is why the area is appropriately
[103] called Bgeramvura (kugera imvura), that is to say, "the place where rain comes forth."

It is for the same reason, and to obtain the same results, that at Mata in Marangara, people dig into both sides of the hill.

The first of the two holes is called "the fountain of milk" (iliba ry'amata) and symbolizes abundance. Cows will then yield more milk. The other hole is called by the name of "source of rain" (iliba ry'imvura). Just by dealing it a few blows with a hoe, a favorable influence is exercised upon the clouds, which will give forth a beneficent rain.

1[i.e., the Bashara. -Analyst]

Part Two

Sorcerers Who Are Believed to Have an Influence on Rain, Lightning, and Crops

[79] They may be put into three categories, as indicated by the title, to wit: rain makers, protectors against lightning and its fearsome consequences, and finally those who watch over the crops.

Rain Makers (Ababvubyi)

We have seen previously that the members of the Bashara clan are born rain makers, in the tradition of their alleged ancestor Rushara, who was granted this role quite unwittingly. /435/

Aside from the Bashara, there are other rain makers, such as those from Bukunzi in the Kinyaga and those from Bussigi to the north of Kigali.

Among them the trade is transmitted from father to son.

Here and there one finds impromptu rain makers of varying fame.

They are usually poor people, men or women, who came from another region, for here as elsewhere "no one is a prophet in his own land." They profess to be rain makers so as not to die of hunger.

This is indeed a lucrative although dangerous profession. In order to get rain the people must offer a gift called by the name of amasororo (gusorora) and which becomes due at least once a year. The king and the chiefs go so far as to present the rain makers with a cow or even several. Woe to them, however, if the beneficent shower fails to come. Numerous were the victims of this difficult art when the elements withheld their cooperation. Most of those unfortunate [686] people were drowned or beaten to death for not practicing their calling properly, inducing or arresting storms according to the season (kubvuba no kwich' imvura).

696 messenger has been dispatched. In that case the other party travels with the messenger in order to bribe him. It is not uncommon for the messenger to accept large gifts from both parties and then not do anything. The high chiefs use this opportunity to visit their lands. The case is adjourned; new, important circumstances are discovered that have not yet been considered; and the proceedings begin all over again.

691 [282] At the time of my visit in Mulera the legal dispute between the Barashi chief, Lukara lwa Bishingwe, and Luhanga, the client of Nshohozamigo, was in its fourth year. Each year sentence was pronounced; each year the court messenger was sent off; and each year the two parties returned. In the end Musinga grew tired of the whole affair and kept Lukara at court. After Lukara had obtained permission from Musinga to return home, on the pretense of conducting me to Mulera, he decided to resort to the final argument, to warfare. He attacked Luhanga's people and engaged in a skirmish with the column of my expedition colleague, the geologist E.F. Kirschstein, whose presence the Batutsi tried to use for their protection.

In the end, in its seventh year, the dispute was settled in Luhanga's favor when Lukara was obliged to flee from the German sphere of influence for his murder of the missionary, Father Paul Loupias. Later he was captured and hanged.

A considerable number of trials deal with the withdrawing of grants and the practice of blood revenge (kuhora enzigo) for slain clan members.

If A is granted a cow by B, B has a certain power over A. He can exert pressure on A by threatening to take back the cow. If A, however, also gets cows from C, who is more powerful than B, the latter's influence diminishes. In some cases A becomes so dependent on C that B loses his influence and moreover his cattle in favor of C. These property shifts give rise to vastly complicated suits over cattle that last for decades and become more and more complicated by small compromises, the legality of which is later challenged.

691 426 686 In civil cases we find the institution of kugombeka. If A is indebted to B and does not pay him or refuses to return something granted him and now demanded back, A can be distrained. If

691 debtor A owns something that is being used by C, a cow, for ex-
426 ample, then B can bring C a present and, with C's permission,
686 declare the object belonging to A as kugombeka. In this case A loses all rights to the object he has deposited with C until he has settled his debt, and the object is now regarded as B's property. If A is powerful, the kugombeka of his property is declared void. If he is not influential, this becomes a very profitable business. In view of the duration of the suits, C always has the prospect of being able to appropriate the thing that has been put in his charge or at least of using it without incurring obligation. But under the rules of kugombeka he is responsible to B for the object. If he gives it back to its original owner A, he must replace its value to B or [283] owe it to him, and this starts a second suit between B and C which is separate from that between A and B.

426 If the users of A's property refuse to accept kugombeka, the
686 creditor can only resort to kufatira.

Kufatira is the confiscation of part of the property of an individual whom one wishes to force to defray his debt or to meet his responsibilities. Kufatira is also used to force someone to appear at a trial. The use of force is conceded in the case of kufatira, but otherwise infringement of property rights and the use of violence are basically regarded as punishable offenses.

Kufatira can be used successfully only against weaker debtors. If the debtor is very weak, he can even be plundered and bound with a rope until his family takes mercy on him and ransoms him. If, however, the debtor is powerful, kufatira can have all the consequences of a lost war, and there is no recourse but to make one's concern the concern of stronger protectors.

685 In cases of theft, the procedure is considerably simpler, and the judge receives no presents.

Evidence. The testimony of witnesses is very important in
695 court trials in Ruanda. The accused has the right to demand witnesses to prove his guilt, but he also has the right to eliminate the testimony of certain witnesses if he has convincing reasons. Such witnesses are, for example, relatives, blood brothers, and clients (bagaragu) of the accuser. The accuser is obliged to comply

8: Hall G-5 (1929-31) 1938 FO42 Rundi FO42

584 In certain circumstances a woman is at the disposal of the Chief or his headmen and not her relatives. Thus, in one case the Chief had brought a girl up and successfully sued her father for giving her in marriage: there is no record of why the girl was in the Chief's hands. In another, it is specifically stated that a man having died with only female issue, the daughters were taken over by the village headman: in a suit brought by her relatives, claiming the right to give her in marriage, they were successful, though it is stated in the record that this was contrary to ancient tribal custom.

583 686 Bride-wealth is normally handed over before marriage, but not necessarily. Instances of exceptions are:

> A man is sued for payment of bride-wealth by his wife's brother, who has seen that his sister is being ill-treated. The man cannot pay, so the Court dissolves the marriage and returns the woman to her brother.
>
> A woman's relatives are sued for return of bride-wealth, she having run away: and it is found in evidence that, in fact, it has never been paid.

If it has not been paid, there are limits to the right of the woman's relatives to sue for it.

> A man has married a woman and had two male children by her and then sent her home. Her relatives claim that he had no justification for sending her away and ask that he be made to take her back and to pay bride-wealth, which he had not previously done. The Court finds that the suit should have been brought at least ten years before, and the relatives lose.

It is not held exclusively by the senior member of the woman's family. Thus, in a case where two sisters were married, their elder brother (their father being dead) retained both payments, but the Court ordered that he should hold only one and his younger brother the other. There is nothing to show whether in general the bride-wealth is held by an individual or shared out among several members of a family.

581 583 There are indications that marriage is regarded by a woman's relatives as a commercial transaction to some extent.

Instances: A woman's brother successfully asserts his right to sell a cow received as bride-wealth, stating, as his justification, that exchange of